



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 33

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S33-AST-1 [v.2]

Page 1 of 2

Comm. Sub. [YES]
Amends Title [YES]
First Edition

Date _____, 2011

Senator Clodfelter

1 moves to amend the bill on page 1, line 9 by deleting "AND" on that line;

2
3 and on page 1, line 10 by rewriting the line to read:

4 "ACTIONS, AND TO REQUIRE CERTAIN INFORMATION BE PROVIDED BY EXPERT
5 WITNESSES.";

6
7 and on page 4, lines 38-39 by inserting the following between those lines:

8
9 **"SECTION 6.5.** G.S. 1A-1, Rule 26(f1) reads as rewritten:

10 "(f1) Medical malpractice discovery conference. – In a medical malpractice action as
11 defined in G.S. 90-21.11, upon the case coming at issue or the filing of a responsive pleading or
12 motion requiring a determination by the court, the judge shall, within 30 days, direct the
13 attorneys for the parties to appear for a discovery conference. At the conference the court may
14 consider the matters set out in Rule 16, and shall:

15 ...

16 (2) Establish an appropriate schedule for designating expert witnesses,
17 consistent with a discovery schedule pursuant to subdivision (3), ~~to be~~
18 ~~complied with by all parties to the action such that there is a deadline for~~
19 ~~designating all expert witnesses within an appropriate time for all parties to~~
20 ~~implement discovery mechanisms with regard to the designated expert~~
21 ~~witnesses;~~ (3). As to each expert designated, the designation shall be
22 accompanied by a written report prepared and signed by the witness. The
23 report shall contain a complete statement of all opinions to be expressed and
24 the basis and reasons therefor; the data or other information considered by
25 the witness in forming the opinions; the qualifications of the witness,
26 including a list of all publications authored by the witness within the
27 preceding 10 years; the compensation the witness is to be paid for the study
28 and testimony; and a listing of any other cases in which the witness has
29 testified as an expert at trial or by deposition within the preceding four years.
30 The party shall supplement the expert's report if the party learns that in some
31 material respect the report is incomplete or incorrect. The expert's direct
32 testimony shall not be inconsistent with or go beyond the fair scope of the



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1 expert report as supplemented. The parties shall not depose expert witnesses,
2 unless the court otherwise orders for good cause shown.
3 ...".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____